UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	х
IN RE PLATINUM-BEECHWOOD LITIGATION	: : 18-cv-6658 (JSR) :
	X
MELANIE L. CYGANOWSKI, as Equity Receiver for PLATINUM PARTNERS CREDIT OPPORTUNITIES MASTER FUND LP, <i>et al.</i> ,	18-cv-12018 (JSR)
Plaintiffs,	:
V.	:
BEECHWOOD RE LTD., et al.,	:
Defendants.	:
	x :
WASHINGTON NATIONAL INSURANCE COMPANY and BANKERS CONSECO LIFE INSURANCE COMPANY,	:
Third-Party Plaintiffs,	
V.	:
MARK NORDLICHT, et al.,	:
Third-Party Defendants.	:
	Х

## NOTICE OF MOTION BY THIRD-PARTY DEFENDANT DAVID BODNER TO DISMISS THE THIRD-PARTY COMPLAINT

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law,

third-party defendant David Bodner, by and through his undersigned attorneys, hereby moves

this Court in the above-captioned action before the Honorable Jed S. Rakoff, United States

District Judge for the Southern District of New York at the Daniel Patrick Moynihan United

States Courthouse, 500 Pearl Street, Courtroom 14B, New York, New York 10007, for an order

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dismissing the Third-Party Complaint (ECF No. 75)<sup>1</sup> of third-party plaintiffs Washington

National Insurance Company ("WNIC") and Bankers Conseco Life Insurance Company

("BCLIC," and, together with WNIC, "Conseco") pursuant to Federal Rule of Civil Procedure

12(b)(6) for failure to state a claim upon which relief can be granted (the "Motion").

In accordance with Rule 2(d) of the Individual Rules of Practice before this Court,

Bodner respectfully sets forth the following:

- 1. Conseco's opposition to the Motion shall be filed on or before June 12, 2019;
- 2. Reply memoranda shall be filed on or before June 26, 2019; and
- 3. Argument on this Motion will be heard on July 1, 2019 at 10:00 a.m.

Dated: May 15, 2019 New York, New York

Respectfully submitted,

CURTIS, MALLET-PREVOST, COLT & MOSLE LLP

By: /s/ Eliot Lauer

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Attorneys for Third-Party Defendant David Bodner

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ECF citations refer to the Cyganowski docket, 18-cv-12018 (JSR).